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Riverside County Agricultural Commissioner Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

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Performance Evaluation of the Riverside County Agricultural Commissioner's Pesticide Use Enforcement Program For the Fiscal Year 2006/2007

This report provides a performance evaluation of Riverside County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2006/2007 (FY 06/07). The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to *meet* DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to *meet* DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to be *deficient* in meeting DPR standards and work plan goals.

Summary Statement: The CAC restricted materials permitting program element was found to meet DPR standards and CAC work plan goals.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting (RMP and Site Monitoring Elements):

1) Permit Issuance

The CAC issued 748 restricted material permits, 113 non-agricultural permits, and 280 operator identification numbers. The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required.

CAC permit issuance procedures and performance were evaluated through observation and interviews of relevant staff and found to conform to DPR standards and expectations. The Agricultural Standards Investigators (ASIs) that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and that
- Permit amendments follow approved procedures.

2) Site Evaluation

CAC staff reviewed 2,389 Notices of Intent (NOI) and performed 144 pre-site evaluation inspections. The CAC gives the highest priority to reviewing NOIs and site monitoring activities involving fumigants and other Category I pesticides, and, restricted material applications near sensitive sites.

The CAC site evaluation procedures were performed through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

Effectiveness Evaluation Findings: The CAC restricted materials permitting program element was found to meet DPR standards and the CAC's work plan goals.

B) Compliance Monitoring (Inspections and Investigations Elements):

1) Inspections

Agricultural and Structural: The CAC staff conducted approximately 470 Pesticide Use Monitoring Inspections. This inspection total includes both agricultural and structural inspections. The CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record reviews and found to conform to DPR standards and expectations. The Agricultural Standards Investigators that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Based on the combination of oversight inspections, records review, field observations, interviews at various times with the CAC field staff, and follow-up discussions with PUE managers, it was determined that the CAC followed DPR policies and procedures regarding performing inspections with thoroughness and completeness, including associated follow-up activities. Inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

The CAC performed 59 routine complaints (non-priority) / investigations and one investigation that met “priority episode” criteria, and the county followed DPR policies and procedures for the priority investigation. CAC investigation procedures and performance were evaluated through observation, record review, and interviews of relevant staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and generally completes the reports in a timely manner.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

Effectiveness Evaluation Findings: The CAC compliance monitoring program element for both inspections and investigations was found to meet DPR standards.

C) Enforcement Response (Enforcement and Compliance Action Elements):

The CAC completed 13 Agricultural Administrative Civil Penalties, 12 Structural Administrative Civil Penalties, and 240 compliance actions. The CAC improved in expediting the Notice of Proposed Action process for the CAC enforcement response program. However, there is a significant decrease in number of civil penalties as compared to FY 05/06.

Effectiveness Evaluation Findings: The CAC enforcement response program was evaluated through observation, record review, and interviews of relevant staff and found that seven (7) decision reports were denied because of inadequate enforcement responses and were inconsistent with the Enforcement Response Regulation (ERR) requirements. These issues have not been resolved. The DPR/CAC Evaluation Issue Record documents were written for the following cases:

Company/Person

1. Cal Sungold

Tracking Number

LOW06CVCK0928B
(RMP 33-06-335290)

2. American Exterminator	07-RIV-LOW-LAC-38 (PR3678)
3. Reel Energy Holdings	07-RIV-LOW-LAW-6 (O.I.D. 33-07-3381310)
4. D.F.R.L.P.	LOW06CVCH1227 (PA 33-CV143)
5. Cocopah/Crocker Ranch	101-100243 (RMP 33-07-338340) (UNL/QL 37845)
6. Sun World Superior	101-100602 (RMP 33-07-3306420)
7. Kimi's Plumeria	101-110437LC-07 (UNL/No O.I.D./Nursery)

III. Recommended Corrective Actions:

It is recommended that the CAC review 3 CCR sections 6128 and 6130 regarding enforcement response, particularly requirements relating to county response to denials or decision reports and take action when required.

IV. Non-Core and Desirable Activities:

Outreach and Training

The CAC has continued the outreach and training to the agricultural industry employees on pesticide laws and regulations and worker safety. Individual interviews and group compliance meetings are conducted to provide information on California laws and regulations and local Riverside County pesticide use conditions. Information also covers the basic requirements, including record keeping, labels, training, field posting, personal protective equipment, medical care information, decontamination facilities, equipment, and pesticide storage. Information about various Web sites is also given to persons or groups during these meetings.